



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

AO-86-22

*Dennis J. Duffin
Director*

October 15, 1986

AO-86-22

Mr. Paul H. Rupp
2 Ocean Avenue, Apt. 402
Revere, MA 02151

Dear Mr. Rupp:

This is in response to your recent request for an advisory opinion concerning the application of M.G.L. c. 55, the campaign finance law, to you.

You state that you are presently serving in the capacity of Executive Director of the Thrift Institutions Fund for Economic Development. This fund, which was created by Chapter 485 of the Acts of 1984, is an association of the 274 savings banks, cooperative banks, and federal savings and loans in Massachusetts. The fund is governed by a 15 member Board of Directors, the majority of which are appointed by and represent the thrifts themselves. You further state that the \$100 million fund is financed entirely, including salaries and overhead, by proportional assessment of the member thrifts. There is no direct or indirect state funding involved, and the operations of the fund are entirely independent.

You wish to know whether the provisions of the campaign finance law, regulating the conduct of public employees, apply to you as an employee of the Thrift Institutions Fund for Economic Development.

Section 13 of Chapter 55 provides, that "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee or for any political purpose whatever..." In order to be subject to this provision, an individual must be a non-elected compensated employee of the commonwealth, or of any county, city or town. The issue before us, therefore, is whether, given the particular nature of your employer, you are employed by the commonwealth, or any county, city or town.

In reviewing the representations you have made, and the materials you have provided, it is my opinion that your employment with the Thrift Fund does not constitute employment by the commonwealth or a county, city or town. While the Thrift Fund was created by the state legislature,

Georgina W. Scott
July 8, 1997
Page 2

site is an expenditure as defined by M.G.L. c. 55, § 1. Therefore, the Party's state committee must make such expenditures for the web page from, and report them through, the committee's depository bank account in accordance with M.G.L. c. 55, §§ 7 and 19.

A "contribution" is defined as a transfer of money or anything of value for the purpose of influencing the nomination or election of an individual or candidate or for the purpose of promoting or opposing a ballot question. See M.G.L. c. 55, s. 1. If providing space in the calendar free of charge were considered a "contribution," disclosure would be required. A web site calendar, however, is no different from a calendar that might be included as part of a state political committee or party newsletter. The web site calendar, like a calendar in a newsletter published by the Party, is primarily used to enhance the interests of the Party.

Republican organizations and candidates may be asked to let the Party know of upcoming events for a printed newsletter by phone or mail without charge. Similarly, these organizations and candidates may forward information regarding upcoming events for a web site by email or the Internet without charge. In both cases, the Party is not making a "contribution" as that term is defined by the campaign finance law. Compare AO-85-03 (the Party may not accept paid corporate advertising for a print newsletter it wished to publish because of the prohibition on corporate contributions).

This opinion is issued on the basis of your letter and solely within the context of the campaign finance law. I encourage you to contact us in the future if you have further questions regarding any aspect of the campaign finance law.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan
Director